

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

JOSE RODRIGUEZ,

Plaintiff,

vs.

FEDEX FREIGHT EAST, INC.,

Defendant.

Bkrptcy No. 04-47510-PJS  
Adversary No. 05-5149-PJS  
HON. PHILLIP J. SHEFFERLY  
Case No. 08-CV-10637  
HON. GEORGE CARAM STEEH

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ORDER DENYING PLAINTIFF'S RENEWED MOTION  
FOR DEFAULT JUDGMENT (#38)

For the reasons stated on the record on June 23, 2008,  
Plaintiff Jose Rodriguez's renewed motion for the sanction of default judgment for  
defendant Fed Ex's alleged willful concealment and/or destruction of a tape recording of  
a conference call among plaintiff, Fed Ex Regional Vice President John Ravenelle, and  
Regional Vice President of Operations Sammy Reid, is hereby DENIED as MOOT in the  
absence of proof that such a tape recording was made.

SO ORDERED.

Dated: June 24, 2008

s/George Caram Steeh  
GEORGE CARAM STEEH  
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on  
June 24, 2008, by electronic and/or ordinary mail.

s/Marcia Beauchemin  
Deputy Clerk